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Docket No. AUS920010027US1

Serial No. 09/826,608

Atty: DAM / JVL

Applicant: Hamilton, et al.

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IBM DOCKET NO. AUS920010027US1
DATE: April 14, 2005

Application Serial No.: 09/826,608

Sir:
Assignee Name: International Business Machines Corporation
Assignee Residence: Armonk, New York

Transmitted herewith for filing is the Patent Application of:

Inventors: Hamilton, et al.

For: System and Method for Collecting and Restoring User Environment Data Using Removable Storage

Enclosed are:

X Appeal Brief.

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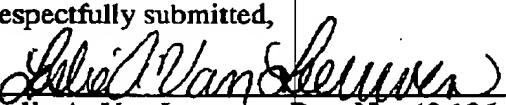
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Respectfully submitted,

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Atty Ref. No. IBM-1009

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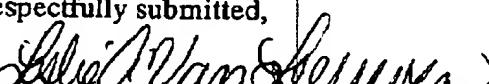
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Hamilton, et al.

Serial No.: 09/826,608

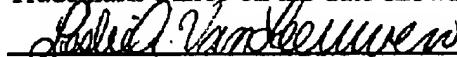
Filed: April 5, 2001

Title: System and Method for Collecting
and Restoring User Environment
Data Using Removable Storage

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§ Confirmation No.: 4039
§ Examiner: Bonzo, Bryce P.
§
§ Attorney Docket No. AUS920010027US1
§
§ IBM Corporation
§ Intellectual Property Law Dept.
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APPELLANTS' BRIEF (37 CFR § 41.37)

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Sir:

A. INTRODUCTORY COMMENTS

This brief is filed in support of the previously filed Notice of Appeal, filed in this case on February 22, 2005, which appealed from the decision of the Examiner dated November 19, 2004 finally rejecting claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, and 18. Please charge the required fee under 37 CFR § 41.20(b)(2) to IBM Corporation Deposit Account No. 09-0447.

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No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

B. REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines Corporation, which is the assignee of the entire right, title, and interest in the above-identified patent application.

C. RELATED APPEALS AND INTERFERENCES

With respect to other prior or pending appeals, interferences, or judicial proceedings that are related to, will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such prior or pending appeals, interferences, or judicial proceedings known to Appellants, Appellants' legal representative, or assignee.

D. STATUS OF CLAIMS**1. Total number of claims in application**

There are 11 claims pending. Three claims are independent claims (1, 8, and 15), and the remaining claims are dependent claims.

2. Status of all claims in application

- Claims canceled: 3, 6, 7, 10, 13, 14, 17, 19, and 20
- Claims withdrawn from consideration but not canceled: None
- Claims pending: 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, and 18
- Claims allowed: None
- Claims rejected: 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, and 18

3. Claims on appeal

The claims on appeal are: 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, and 18

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E. STATUS OF AMENDMENTS

All amendments have been entered in this case. No amendments have been made to the claims after the Final Office Action.

F. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide a concise summary of the claimed subject matter as follows. Note that claims 1, 2, 4, and 5 are method claims, claims 8, 9, 11, and 12 are information handling system claims, and claims 15, 16, and 18 are computer program product claims. Independent claims 8 and 15 include means plus function limitations that correspond to the method steps set forth in independent claim 1. An information handling system capable of implementing Appellants' invention, as claimed in independent claim 8, is shown in Figure 10, and described in Appellants' specification on page 27, line 3 through page 28, line 16. Support for independent computer program product claim 15 is described in Appellants' specification on page 29, lines 12-28. In addition, support for each of the method steps and means plus function limitations of the independent claims are discussed below.

The claimed invention is a method, information handling system, and computer program product for duplicating a user environment in a first computer system to a second computer system. As claimed in independent claims 1, 8, and 15, Appellants' invention collects user environment data from the first computer system, the collecting performed by a computer program (see, e.g., Figure 2, reference numeral 220, specification page 18, line 3 through page 19, line 12; Figure 3, specification page 19, line 13 through page 21, line 2; Figure 5, specification page 22, line 27 through page 23, line 28; Figure 6, specification page 23, line 29 through page 24, line 18; and Figure 11, reference numerals 1110, 1130, 1140, 1150, and 1160, specification page 28, line 17 through page 29, line 11). The user environment data includes a printer definition, a network interface, a user password, and license information (see, e.g., Figure 1, reference numerals 100, 105, 110, 115, 120, 125, and 130, specification page 16, line 7 through page 18, line 2). As claimed, Appellants' invention stores the user environment data on a removable nonvolatile media (see, e.g., Figure 1, reference numeral 145, specification page 16, line 7 through page 18, line 2; and Figure 3, reference numeral 370, specification page 19, line 13 through page 21, line 2), and transports the removable nonvolatile media from the first

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computer system to the second computer system (see, e.g., Figure 1, reference numerals 145 and 160, specification page 16, line 7 through page 18, line 2; and Figure 4, reference numeral 430, specification page 21, line 3 through page 22, line 26). Appellants' invention then loads the removable nonvolatile media in a device capable of reading the media (see, e.g., Figure 4, reference numerals 430 and 440, specification page 21, line 3 through page 22, line 26; and Figure 8, reference numerals 810 and 825, specification page 25, line 16 through page 26, line 24), and then restores the user environment data from the removable nonvolatile media to the second computer system (see, e.g., Figure 2, reference numeral 250, specification page 18, line 3 through page 19, line 12; Figure 4, specification page 21, line 3 through page 22, line 26; Figure 8, specification page 25, line 16 through page 26, line 24; and Figure 11, reference numerals 1120, 1170, and 1180, specification page 28, line 17 through page 29, line 11).

Support for each of Appellants' means plus function limitations set forth in dependent claims 12 and 18 (which are argued as part of a separate group of claims) is provided below. Note that general support for an information handling system and computer program product is discussed above. The specific citations to Appellants' Figures and Specification are meant to be exemplary in nature, and do not limit the scope of the claims, as provided under 35 U.S.C. § 112, sixth paragraph.

Dependent claims 12 and 18 include the limitation "wherein the means for collecting is performed for a plurality of users, each of the plurality of users having one or more accounts on the first computer system." See, e.g., Figure 3, reference numerals 325 and 330, specification page 20, lines 14-29.

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G. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, and 18 stand rejected as being obvious, and therefore unpatentable, over McGill, U.S. Patent No. 5,469,573 (hereinafter McGill), in view of Maffezzoni, U.S. Patent No. 6,289,426 (hereinafter Maffezzoni).

**H. ARGUMENTS - CLAIMS 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, AND 18 ARE PATENTABLE
OVER MCGILL IN VIEW OF MAFFEZZONI**Group I - Claims 1, 2, 4, 8, 9, 11, 15, and 16

Appellants teach and claim a method, system, and program product for duplicating a user environment in a first computer system to a second computer system. This is useful when a user moves from one system to another due to system changes or user relocation from one system to another system. As discussed in Appellants' specification, "user environment data includes [] the customizations and modifications made to the user's account as a result of the user's preferences or made so the user could better perform his or her job related tasks." (Appellants' specification, page 16, lines 13 – 16). As described in Appellants' specification beginning on page 18, line 20 and continuing through page 19, line 2, environment data includes the system parameters that "personalize" a user's computer system. This "personality" information is the "user and/or group selectable parameters, settings, and/or options used for customizing either a computer system, software, or firmware attributes."

McGill purports to teach a backup procedure for backing up and restoring a fully configured operating system to a storage device of a computer (see Abstract). McGill does not teach or suggest "collecting *user environment data* from the first computer system, the collecting performed by a computer program, and the user environment data including a printer definition, a network interface, a user password, and license information," as taught and claimed by Appellants in independent claims 1, 8, and 15. As an initial matter, McGill is not concerned with collecting user environment data. As noted above, user environment data includes the customizations and modifications made to a user's account in order to "personalize" the user's computer system. McGill is not concerned with user environment data, but rather, McGill is concerned with operating system recovery (col. 3, lines 41-43). In the section of McGill cited by the Examiner, i.e. col. 5, lines 33-39, McGill specifically notes that it is creating a "backup

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media set" that will be used "as the source for the *operating system* subsequently loaded or restored onto the PC hard drive" (col. 5, lines 36-38, emphasis added). McGill also discusses backing up and restoring operating system files, system configuration files, and device driver files (col. 4, lines 22-28). However, McGill never discusses backing up or restoring *user environment data*, as taught and claimed by Appellants. Backing up and restoring an operating system is not analogous to collecting user environment data and then using the collected user environment data to restore the user's environment on a second computer system. As is well-known to computer users, merely restoring the operating system does not restore the user's environment. In the prior art, after an operating system has been restored, the user (or an IT support person) must then restore all of the user's customizations, modifications, and personalization, i.e. the user's "environment."

In addition, McGill does not teach or suggest collecting user environment data that includes a network interface, as taught and claimed by Appellants. In the section of McGill cited by the Examiner, i.e. col. 4, lines 9-13, McGill discusses the device drivers used to operate devices "in the configured workstation/operating system environment" (col. 4, lines 12-13). However, McGill does not mention network interface user environment data. Also, the Examiner admits that McGill does not teach or suggest collecting a printer definition, a user password, or license information (see Final Office Action, page 3, lines 5-7), as taught and claimed by Appellants in independent claims 1, 8, and 15.

Regarding Maffezzoni, Maffezzoni purports to teach an intelligent backup system (see Abstract). Maffezzoni's backup system allows a user to run his system, in the event of a hard disk crash, so that the user can continue working (col. 7, lines 13-22). Maffezzoni does not teach or suggest "duplicating a user environment in a first computer system to a second computer system," as taught and claimed by Appellants. Maffezzoni actually teaches away from Appellants' invention, as Maffezzoni explicitly states that its "intelligent Genesis backup protection system is only *a temporary fix*" (col. 29, lines 30-32, emphasis added). Maffezzoni is not concerned with duplicating a user's computer environment when the user moves from one system to another. Rather, Maffezzoni is concerned with allowing a user to continue working in the event of a hard disk failure, thus preventing downtime productivity losses (col. 2, lines 55-61).

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Maffezzoni does not teach or suggest “collecting user environment data from the first computer system, the collecting performed by a computer program, and the user environment data including a printer definition, a network interface, a user password, and license information.” The Examiner cites Maffezzoni at col. 14, lines 8-20, however, this section of Maffezzoni is merely concerned with preparing a new hard disk by partitioning and formatting the new hard disk. The Examiner also points to col. 7, lines 13-22 as teaching aspects of collecting user environment data, and the Examiner notes that Microsoft Office requires license information to operate. However, Appellants note that Maffezzoni merely mentions a user being able to use Microsoft Office. Maffezzoni does not make any mention of needing a license in order to use Microsoft Office. Assuming, for the sake of argument, that a license is needed, there is no teaching or suggestion of a computer program collecting this information for the user, as part of its process of collecting user environment data. It is possible that the user of Maffezzoni’s system needs to manually enter any needed license information before being allowed to use Microsoft Office. It is impossible to know for sure, as Maffezzoni doesn’t mention license information at all. Further, Maffezzoni does not discuss collecting any other type of environment data, including a printer definition, a network interface, or a user password, as claimed by Appellants in independent claims 1, 8, and 15.

The Examiner notes that passwords are a vital part of an email system, and that passwords are normally stored on a computer (see Final Office Action, page 4, lines 3-10). However, Appellants fail to see how the ordinary use of passwords to access an email account teaches or suggests “collecting user environment data from the first computer system, the collecting performed by a computer program, and the user environment data including . . . a user password . . .” as taught and claimed by Appellants.

The Examiner admits that neither McGill nor Maffezzoni discloses collecting user environment data which includes printer definitions (see Final Office Action, page 4, line 11 through page 5, line 2). The Examiner then takes Official Notice that it is well known to attach printers to computers. Appellants agree that it is well known to attach printers to computers, however, Appellants respectfully assert that it is *not* well known to “collect[] user environment data from the first computer system, the collecting performed by a computer program, and the

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user environment data including a printer definition," which is what is being taught and claimed by Appellants.

Neither McGill nor Maffezzoni teaches or suggests "restoring the user environment data from the removable nonvolatile media to the second computer system," as taught and claimed by Appellants in independent claims 1, 8, and 15. The Examiner cites McGill at col. 8, lines 8-19 and col. 4, lines 19-23. However, these sections of McGill discuss installing "a temporary operating system, configuration files, device drivers and a recovery software application program" (col. 8, lines 15-18). There is no discussion of "restoring the user environment," where the "user environment" is defined in Appellants' specification to be the "customizations and modifications made to the user's account as a result of the user's preferences or made so the user could better perform his or her job related tasks." (Appellants' specification, page 16, lines 13 – 16). Although McGill may restore the user's operating system, McGill does not restore the user environment that the user is used to having on his or her computer.

Maffezzoni actually teaches away from collecting user environment data from a first computer system and then using this environment data to restore the user environment on a second computer system, as taught and claimed by Appellants. As discussed above, user environment data includes the personalization and customization parameters that have been selected by a user. Appellants' method, system, and program product allow a user to move to a new computer system and still keep the "personality" of the user's previous system. As claimed in independent claims 1, 8, and 15, user environment data is collected for the user *by a computer program*. In contrast, Maffezzoni requires a user to select which software applications will be backed up. Only those applications selected by the user will be available when booting from the backup storage device (col. 7, lines 19-22). A system such as Maffezzoni's, where only selected applications are available after a hard disk crash, certainly teaches away from Appellants' system, where user environment data is collected from a first computer system, and this collecting is done for the user *by a computer program*, and then used to *restore that same user environment on a second computer system*.

For the reasons set forth above, Appellants respectfully submit that independent claims 1, 8, and 15, and the claims which depend from them are patentable over McGill in view of Maffezzoni.

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Group II – Claims 5, 12, and 18

Claims 5, 12, and 18 add the element “wherein the collecting is performed for a plurality of users, each of the plurality of users having one or more accounts on the first computer system.” Neither McGill nor Maffezzoni teaches or suggests this aspect of Appellants’ invention. The Examiner admits that McGill does not disclose this element (see Final Office Action, page 5, line 8 through page 6, line 2). However, the Examiner asserts that because McGill discloses the use of a UNIX operating system, and because the UNIX operating system is typically used by multiple accounts, that it would be obvious to back up a plurality of users and accounts. However, there is no teaching or suggestion in McGill of backing up multiple accounts, and certainly no teaching or suggestion of collecting user environment data, “wherein the collecting is performed *for a plurality of users*, each of the plurality of users *having one or more accounts* on the first computer system.” As discussed above, McGill is concerned with backing up and restoring an operating system, not a user environment. Even assuming, for the sake of argument, that it makes sense to back up multiple operating systems, the method disclosed by McGill would tend to suggest that each operating system is backed up and restored separately. There is nothing in McGill that teaches or suggests collecting any type of data *for a plurality of users*.

Based on the above, Appellants respectfully submit that claims 5, 12, and 19 are patentable over McGill in view of Maffezzoni.

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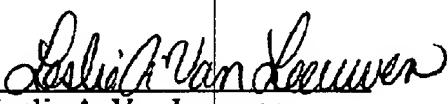
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Conclusion

For the foregoing reasons, Appellants submit that claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, and 18 are patentable over McGill in view of Maffezzoni. Accordingly, Appellants respectfully requests that the Examiner's claim rejections be reversed and claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, and 18 be allowed.

Respectfully submitted,

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I. APPENDIX OF CLAIMS

1. A method for duplicating a user environment in a first computer system to a second computer system, said method comprising:
collecting user environment data from the first computer system, the collecting performed by a computer program, and the user environment data including a printer definition, a network interface, a user password, and license information;
storing the user environment data on a removable nonvolatile media;
transporting the removable nonvolatile media from the first computer system to the second computer system;
loading the removable nonvolatile media in a device capable of reading the media; and
restoring the user environment data from the removable nonvolatile media to the second computer system.
2. The method of claim 1, wherein the collecting includes:
identifying attributes to include in the user environment data.
4. The method of claim 1, wherein the first computer system includes a UNIX operating system.
5. The method of claim 1, wherein the collecting is performed for a plurality of users, each of the plurality of users having one or more accounts on the first computer system.
8. An information handling system, said system comprising:
one or more processors;
an operating system operable by the processors;
a memory accessible by the processors;
a removable nonvolatile storage device accessible by the processors;
a user environment duplication tool for duplicating user environment data in a first computer system to a second computer system, the tool including:

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means for collecting user environment data from the first computer system, the collecting performed by a computer program, and the user environment data including a printer definition, a network interface, a user password, and license information; means for storing the user environment data on a removable nonvolatile media; means for transporting the removable nonvolatile media from the first computer system to the second computer system; means for loading the removable nonvolatile media in a device capable of reading the media; and means for restoring the user environment data from the removable nonvolatile media to the second computer system.

9. The information handling system of claim 8, wherein the collecting includes:

means for identifying attributes to include in the user environment data.

11. The information handling system of claim 8, wherein the first computer system includes a UNIX operating system.

12. The information handling system of claim 8, wherein the means for collecting is performed for a plurality of users, each of the plurality of users having one or more accounts on the first computer system.

15. A computer program product stored on a computer operable medium, the computer program product programmed to duplicate a user environment in a first computer system to a second computer system, said computer program product comprising:

means for collecting user environment data from the first computer system, the collecting performed by a computer program, the user environment data including a printer definition, a network interface, a user password, and license information;

means for storing the user environment data on a removable nonvolatile media;

means for transporting the removable nonvolatile media from the first computer system to the second computer system;

means for loading the removable nonvolatile media in a device capable of reading the media; and

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means for restoring the user environment data from the removable nonvolatile media to the second computer system.

16. The computer program product of claim 15, wherein the collecting includes:
means for identifying attributes to include in the user environment data.

18. The computer program product of claim 15, wherein the means for collecting is performed for a plurality of users, each of the plurality of users having one or more accounts on the first computer system.

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J. EVIDENCE APPENDIX

Not applicable.

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K. RELATED PROCEEDINGS APPENDIX

Not applicable.

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